

## **REMARKS**

The office action dated May 14, 2008 (the "Office Action" has been received and noted. Claims 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22, 23, 25, 28, 30, 31 and 33-53 were examined. Claims 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22, 23, 25, 28, 30-31 and 33-53 were rejected. No claims are amended, deleted or added.

Reconsideration of the pending claims is requested in view of the above-amendments and following remarks.

### **I. Claims Rejected Under 35 U.S.C. § 101**

Claims 17, 20, 22-23 and 41-44 were rejected under 35 U.S.C. §101 because the claimed invention appears to be direct to non-statutory subject matter.

Applicants respectfully disagree as the above mentioned claims are "means" type claims as allowed by 35 U.S.C. §112, paragraph 6. Each of these claims includes at least one hardware component. For example, for claim 17, the following feature numbers are inserted into the claim language to provide an example, without limitation thereto, of hardware structure in the specification that constitutes the means of the claim: "means for storing a graphic file created by a multi-layered type computer program, the graphic file containing a list of control objects" (e.g., see Application, platform 20 (e.g., a PC) having storage 30 storing graphic file 56 having control object 60, such as described at p. 13, line 22 to p. 14 line 22; and shown in Fig. 1), and "means for creating an application program other than the multi-layered type computer program to access the graphic file and to display a control element from the graphic file on the graphical user interface" (e.g., see Application, processing system 12 having platform 20 (e.g., a PC) having processor 26, storage 30, and display 70, such as described at p. 9 line 7 to p. 10 line 13; and shown in Fig. 1). This hardware is not merely descriptive, but includes physical objects. For example, software such as graphic file 56, control object 60, and application program 64, etc. are physical objects (e.g., computer files) stored in storage 30. Moreover, the claims are intended to encompass at least one hardware component.

Hence, Applicants respectfully request the Patent Office withdraw the rejection above.

### **II. Claims Rejected Under 35 U.S.C. § 102**

Claims 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22, 23, 25, 28, 30, 31 and 33-53 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,628,303 to Foreman et al. (Foreman). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP §2131. Applicants respectfully submit that each and every element in independent claims 1, 9, 17, 25, 37, 41 and 45 and their respective dependent claims is not set forth in the cited reference.

Applicants respectfully disagree for at least the first reason that independent claims 1, 9, 17, 25, 37, 41 and 45 each require, but Foreman does not disclose, a graphic file created by a computer program and containing a list of control objects that dictate an attribute of a control element, and an application program other than the computer program to access a graphics file containing the control objects and to display a control element from the graphics file and the graphical user interface.

Foreman describes a graphical user interface for a computer motion video editing system, which has a single window interface including four selectable interfaces (see column 2, lines 9-12). Although a user may select any of the four interfaces, Foreman does not describe changing, removing, or adding commands to any of the four interfaces (see column 2, lines 12-34; column 7, lines 13-37; and column 11, lines 3-46). In other words, Foreman describes a single computer program, computer video editing system (see column 2, lines 9-12 and column 7, lines 8-11) for editing a video program having title, video, and audio tracks (see column 4, lines 34-column 5, line 19; column 7, lines 49-57) using predetermined, preselected interfaces 52, 54, 56 and 58 having predetermined or preselected functionality, such as shown in display elements 74-80 of Figure 5 and 170-180 of Figure 9 (see Figures 5 and 9; column 8, line 50-column 9, line 18; column 11, lines 4-46). The video “program” itself contains various tracks (e.g. a title track, a video track, and audio track) but is not an application program to access a graphics file containing control objects and to display a control element, as required by the independent claims. Instead, the video “program” is simply video, title, and audio data (see column 4, lines 34- column 5, line 19; column 9, lines 20-50; and column 11, lines 47-58).

Hence, for at least the first reason that Foreman does not disclose the above noted limits of the independent claims, the rejection above of the independent claims should be withdrawn.

Moreover, independent claims 1, 9, 17, 25, 37, 41 and 45 include the limitation of “the control object ***independently editable relative to a different control object.***” (App., claims 1, 9, 17, 25, 37, 41 and 45.) The Application gives representative examples of “control elements,” which may be images (App., page 13, line 30) such as a button, slider, static text, table pane, or pop-up tab pane. (App., page 14, lines 31-32.) According to the Application, a “control object,” which may be located in at least one layer of a graphic file (App., page 16, lines 3-4), describes behavior-related attributes of a corresponding element. (App., page 14, lines 26-28.) Representative “attributes” of a corresponding control element may include the name 210, type 212, state 214, and command 216. (App., page 14, lines 28-35.) “A control element may have one or many associated control objects related to different states or aspect of the control element, e.g., 1 to 100 layers may relate to a single control element.” (App., page 16, lines 7-9.) The Application further states that “[e]ach control element of the user interface may be treated as an independent entity. Thus, any control element may be selected and changed without affecting the other control elements.” (App., page 16, lines 5-7.) According to the Application, this format allows a designer of the user interface of a GUI to alter the user interface through the graphic file without going through an intermediary format. (App., page 4, lines 14-16.) As a result, the revised GUI may be immediately displayed. (App., page 4, line 17.)

However, the Patent Office has not identified and Applicants are unable to find any disclosure in Foreman of independently editable control objects of a graphic file created by a computer program and edited by an application program other than a computer program, as required by the independent claims. Hence, for at least this additional reason, Applicants respectfully request the Patent Office withdraw the rejection above of the independent claims.

Applicants submit that dependent claim 49 is further patentable for at least the reasons that Foreman does not disclose where the application program allows the control objects to be edited using the application program to change the attributes as required by claim 49.

Applicants submit that dependent claim 50 is further patentable for at least the reasons that Foreman does not disclose wherein the application program is used to independently change a control object as required by dependent claim 50.

Applicants submit that dependent claim 51 is further patentable because Foreman does not disclose the multi-layered type computer program, the control object comprising a picture-related control object; or the control object as a textual description as required by claim 51.

Applicants submit that dependent claim 52 is further patentable because Foreman does not disclose the application program comprising a video editing program; the control objects being edited by adding, deleting or changing the control object; or the control objects having at least an appearance of an element.

Applicants submit that dependent claim 53 is further patentable because Foreman does not disclose wherein editing a control object causes a control element to be edited, as required by claim 53.

As noted above, Foreman teaches a single video system for editing video data, but does not disclose the above-noted limitations of dependent claims 49-53.

Any dependent claims not mentioned herein are submitted as not being anticipated or obvious for at least the reasons given above in support of their base claims and for the additional further limitations of those dependent claims. Hence, Applicants respectfully request the Patent Office withdraw the rejection above of all the claims.

### CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

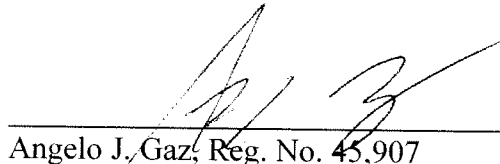
If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: \_\_\_\_\_

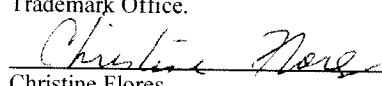
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#### CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.

  
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